

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (Currently Amended) A recording and playback apparatus for recording data onto a predetermined recording medium and playing back said data from said recording medium, said recording and playback apparatus comprising:

judgment means for ~~forming a judgment as to~~ determining whether or not to correct focus precision in an operation to record data onto an Nth track of said recording medium or play back data from said Nth track; ~~and~~

computing means for computing a performance function value based on a jitter value or amplitude of an RF signal obtained from an already recorded track in the neighbor of said Nth track; and

correction means ~~which is used for correcting said focus precision if said judgment means forms a judgment~~ determines to correct said focus precision in said operation to record data onto said Nth track of said recording medium or play back data from said Nth track, said correction means operating to correct said focus precision by using said performance function value ~~an RF signal obtained from an already recorded track closest to said Nth track, wherein said correction of said focus precision can be performed quickly because acquisition of RF signal from an already recorded track closest to said Nth track enables said correction to be performed without actually moving to said Nth track.~~

2. (Original) A recording and playback apparatus according to claim 1 wherein said judgment means is capable of forming a judgment to correct said focus precision if a predetermined period of time is determined to have lapsed.

3. (Original) A recording and playback apparatus according to claim 1 wherein said judgment means is capable of forming a judgment to correct said focus precision if a temperature inside a disk drive setting said recording medium is determined to have increased by a predetermined temperature raise.

4. (Original) A recording and playback apparatus according to claim 1 wherein said correction means is capable of correcting said focus precision by using a signal played back from an  $(N - 1)$  th track immediately preceding said Nth track.

5. (Original) A recording and playback apparatus according to claim 1 wherein said correction means is capable of correcting said focus precision by determining a focus-bias value  $f_d$  that provides the absolute value of a difference within a threshold value  $k$  where said difference is a difference in amplitude or a difference in jitters value between a signal obtained at a focus bias of  $(f_d + a)$  and a signal obtained at a focus bias of  $(f_d - a)$ , and notation  $a$  denotes a change quantity.

6. (Currently Amended) A recording and playback method for recording data onto a predetermined recording medium and playing back said data from said recording medium, said recording and playback method comprising:

a judgment step of ~~forming a judgment as to~~ determining whether or not to correct focus precision in an operation to record data onto an Nth track of said recording medium or play back data from said Nth track; and

a computing step for computing a performance function value based on a jitter value or amplitude of an RF signal obtained from an already recorded track in the neighborhood of said Nth track; and

a correction step ~~which is executed for~~ correcting said focus precision if, at it is determined at said judgment step, a judgment is formed to correct said focus precision in said operation to record data onto said Nth track of said recording medium or play back data from said Nth track, said correction step operating to correct said focus precision by using said performance function value ~~an RF signal obtained from an already recorded track closest to said Nth track, wherein said correcting said focus precision can be performed quickly because acquisition of RF signal from an already recorded track closest to said Nth track enables said correction to be performed without actually moving to said Nth track.~~

7. (Currently Amended) A recording medium for recording a program to be executed by a computer to record data onto a predetermined recording medium and play back said data from said recording medium, said program comprising:

a judgment step of ~~forming a judgment as to~~ determining whether or not to correct focus precision in an operation to record data onto an Nth track of said recording medium or play back data from said Nth track; and

a computing step for computing a performance function value based on a jitter value or amplitude of an RF signal obtained from an already recorded track in the neighborhood of said Nth track; and

~~a correction step which is executed for correcting said focus precision if, at it is determined said judgment step, a judgment is formed to correct said focus precision in said operation to record data onto said Nth track of said recording medium or play back data from said Nth track, said correction step operating to correct said focus precision by using said performance function value~~ an RF signal obtained from an already recorded track closest to said Nth track, wherein said correcting said focus precision can be performed quickly because acquisition of RF signal from an already recorded track closest to said Nth track enables said correction to be performed without actually moving to said Nth track.

8. (Currently Amended) A recording and playback apparatus according to claim 1 wherein ~~said correcting said focus precision using an RF signal is based on a predetermined performance function curve~~ includes shapes that vary in dependence on said recording medium.

9. (Currently Amended) A recording and playback apparatus according to claim ~~8~~ 1 wherein ~~said predetermined performance function curve includes~~ is computed using the amplitude of the RF signal shapes that vary in dependence on temperature of said recording medium.

10. (Canceled)

11. (New) A recording and playback apparatus according to claim 1, wherein said performance function value is adapted to a function curve that provides more abrupt slope at the peak of the curve.

12. (New) A recording and playback method according to claim 6, wherein said performance function value is adapted to a function curve that provides more abrupt slope at the peak of the curve.